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05                   UNITED STATES DISTRICT COURT  
06                   WESTERN DISTRICT OF WASHINGTON  
07                   AT SEATTLE

08           UNITED STATES OF AMERICA,                 ) CASE NO. CR09-362-RSM  
09   )  
10           Plaintiff,                                     )  
11   )  
12           v.   ) DETENTION ORDER  
13   )  
14           GUDELIO J. OROZCO-GOMEZ,                 )  
15   )  
16           Defendant.                                     )  
17   )  
18   )  
19   )  
20   )  
21   )  
22   )

13           Offenses charged:

14           Count 1: Conspiracy to Distribute Controlled Substances

15           Count 2: Conspiracy to Engage in Money Laundering,

16           Date of Detention Hearing: October 21, 2009.

17           The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
18 based upon the factual findings and statement of reasons for detention hereafter set forth,  
19 finds that no condition or combination of conditions which defendant can meet will  
20 reasonably assure the appearance of defendant as required and the safety of other persons and  
21 the community.

22           ///

01           **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

02       1.     The indictment charges a drug offense for which the maximum penalty is in  
03 excess of ten years. There is therefore a rebuttable presumption that defendant will be  
04 detained. Defendant has presented nothing to rebut that presumption.

05       2.     The Government alleges that defendant is in the United States illegally, and  
06 that an immigration detainer will be lodged against him in the near future. This appears to  
07 render moot the issue of release or detention in this case.

08       3.     Defendant and his counsel offered nothing in opposition to the entry of an  
09 order of detention, and waived any further hearing on that issue.

10       4.     There does not appear to be any condition or combination of conditions that  
11 will reasonably assure the defendant's appearance at future Court hearings while addressing  
12 the danger to other persons or the community.

13 It is therefore ORDERED:

- 14       1. Defendant shall be detained pending trial and committed to the custody of the  
15           Attorney General for confinement in a correction facility separate, to the extent  
16           practicable, from persons awaiting or serving sentences or being held in custody  
17           pending appeal;
- 18       2. Defendant shall be afforded reasonable opportunity for private consultation with  
19           counsel;
- 20       3. On order of the United States or on request of an attorney for the Government, the  
21           person in charge of the corrections facility in which defendant is confined shall deliver  
22           the defendant to a United States Marshal for the purpose of an appearance in

01 connection with a court proceeding; and  
02 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel  
03 for the defendant, to the United States Marshal, and to the United State Pretrial  
04 Services Officer.

05 DATED this 22nd day of October, 2009.

06 s/ John L. Weinberg  
07 \_\_\_\_\_  
United States Magistrate Judge